

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEAN MICHAEL RYAN, #787263,

Plaintiff,

v.

CASE NO. 2:20-CV-12502
HONORABLE SEAN F. COX

MICHIGAN, et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION
AND MOTION TO SUPPLEMENT THAT MOTION AND REOPENING CASE**

Michigan prisoner Sean Michael Ryan ("Plaintiff"), confined at the G. Robert Cotton Correctional Facility in Jackson, Michigan, filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983, as well as an application to proceed without prepayment of the filing fee for this action and a motion to stay the proceedings. In his nearly 700-page complaint, Plaintiff essentially challenges the medical care, pain treatment, and accommodations that he has received in multiple state prisons over the last 10 years. He names more than 360 defendants, including the State of Michigan, the Michigan Department of Corrections ("MDOC"), Corizon Healthcare, current and former MDOC directors, prison wardens, prison employees, and medical personnel, in this action and he seeks injunctive relief and monetary damages. ECF No. 1.

In October, 2020, the Court determined that Plaintiff is a three-striker who is not allowed to proceed without prepayment of the filing fee, found that he failed to show that he is under imminent danger of serious physical injury, denied the application to proceed without prepayment of the filing fee, and dismissed without prejudice the complaint. ECF No. 4. The matter is now before the Court

on Plaintiff's motion for reconsideration and supplement to that motion contending that the Court erred. Plaintiff cites recent action by the United States Court of Appeals for the Sixth Circuit granting him leave to proceed without prepayment of the filing fee on appeal in another one of his civil rights cases where the district court had denied him leave to proceed without prepayment of the filing fee due to his three-strike status, found that he was not under imminent danger of serious physical injury, and dismissed his complaint. ECF No. 6, 7.

Upon further review, the Court has learned that the Sixth Circuit not only granted Petitioner leave to proceed without prepayment of the filing fee on appeal in that case, but has since vacated the district court's decision finding that Petitioner sufficiently showed that he was under imminent danger of serious physical injury (on allegations similar to the case at hand), and remanded the case to the district court for further proceedings. *See Ryan v. G. Robert Cotton Corr., et al.*, No. 20-1305 (6th Cir. Dec. 8, 2020); *see also Ryan v. G. Robert Cotton Corr., et al.*, No. 2:19-CV-12286, 2021 WL 50000 (E.D. Mich. Jan. 6, 2021) (reopening case). Given the Sixth Circuit's ruling, the Court concludes that Plaintiff's motion for reconsideration and motion to supplement that motion should be granted and that this case should be reopened. Accordingly, the Court **GRANTS** Petitioner's motions and **REOPENS** this case for further consideration.

IT IS SO ORDERED.

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: February 1, 2021